



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 09/703,037 | 10/31/2000 | M. Ali Khatibzadeh | 8194-453 | 8911 |
| 20792 | 7590 | 04/05/2004 | EXAMINER | |
| MYERS BIGEL SIBLEY & SAJOVEC | | | CORRIELUS, JEAN B | |
| PO BOX 37428 | | | ART UNIT | PAPER NUMBER |
| RALEIGH, NC 27627 | | | 2631 | 9 |

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|------------------------|---------------------|
| | 09/703,037 | KHATIBZADEH ET AL. |
| Examiner | Art Unit | |
| | Jean B Corrielus | 2631 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 11-20 and 30-38 is/are allowed.

6) Claim(s) 1,6-10,21 and 26-29 is/are rejected.

7) Claim(s) 2-5 and 22-25 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8 .

4) Interview Summary (PTO-413) Paper No(s). ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7-10, 21 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Perrett et al US patent No. 6,018,275.

As per claims 1 and 21, Perrett et al discloses a modulation method and apparatus fig. 7 having inherently a DSP that generates a complex signal having inherently I and Q component and a magnitude (amplitude) see col. 7, lines 34-35; an IQ modulator; a PLL circuit (33, 38, 34, 35, 36 and 37) including a VCO 34 having a controlled output; an amplifier 72 having a signal input to receive the controlled output and an amplitude (magnitude) control input responsive to the amplitude signal (magnitude) see col. 7, lines 38-40.

As per claims 8 and 28, as shown in fig. 3 Perrett et al teaches a transmit antenna see fig. 7 responsive to the amplifier 72 and inherently a user interface to generate the baseband signal in response to user input such as voice, to produce a wireless communications terminal.

As per claims 9 and 29, the system is limiter free. See fig. 7.

As per claim 10 the amplifier is a power amplifier. See fig. 7.

As per claim 27, the PLL signal is transmitted as amplified see fig. 7.

As per claim 7, Perrett et al teaches a power amplifier 72 having a signal input an amplitude control input an output and the transmit antenna is responsive to the power amplifier see fig. 7.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrett US Patent No. 6,018,275 in view of Pakonen Hannu EP 0998088A2.

As applied to claim 1 above, Perret discloses every feature of the claimed invention but does not explicitly teach that the amplifier is responsive to both an amplitude and a power control signals.

Pakonen Hannu teaches a power controlled signal is generated by power detector 8 and the amplifier 5 as shown in the figure is responsive to both the amplitude and the power control signals. It would have been obvious to one skill in the art at the time of the invention to incorporate such a teaching in Perret in order to provide the

system with the capability to its transmit power required to avoid to minimize interference between users and to prolong battery life.

Allowable Subject Matter

5. Claims 11-20 and 30-38 are allowed.
6. Claims 2-5 and 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

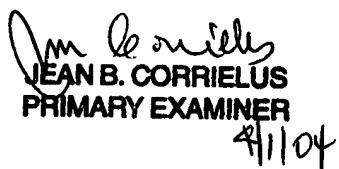
7. Applicant's arguments with respect to claims 1, 6-10, 21, 26-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Corrielus whose telephone number is 305-4023. The examiner can normally be reached on Monday-Thursday from 9:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-4700.


JEAN B. CORRIEULUS
PRIMARY EXAMINER
4/1/04